

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0599

HOUSE BILL NO. 1238

Introduced by: The Committee on Appropriations at the request of the Office of the Governor

1 FOR AN ACT ENTITLED, An Act to make appropriations from the water and environment
2 fund, the water pollution control revolving fund subfund, and the drinking water revolving
3 fund subfund for various water and environmental purposes and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. There is hereby appropriated from the South Dakota water and environment fund
6 established pursuant to § 46A-1-60, the sum of six million three hundred thousand dollars
7 (\$6,300,000), or so much thereof as may be necessary, to the South Dakota Board of Water and
8 Natural Resources for the purpose of providing a grant to local project sponsors for the
9 engineering design, preconstruction activities, and construction of the Lewis and Clark rural
10 water system as authorized in § 46A-1-13.10. Funds shall be used by the project sponsors for
11 activities that qualify as nonfederal matching requirements as enumerated in P.L. 106-246 as
12 amended to January 1, 2009. Funds shall be provided according to terms and conditions
13 established by the Board of Water and Natural Resources.

14 Section 2. There is hereby appropriated from the South Dakota water and environment fund
15 established pursuant to § 46A-1-60, the sum of three hundred fifty thousand dollars (\$350,000),



1 or so much thereof as may be necessary, to the South Dakota Board of Water and Natural
2 Resources for the purpose of providing grants to local project sponsors for the engineering
3 design, preconstruction activities, and construction of the facilities included in the Southern
4 Black Hills Water System. Funds shall be provided according to terms and conditions
5 established by the Board of Water and Natural Resources.

6 Section 3. There is hereby appropriated from the South Dakota water and environment fund
7 established pursuant to § 46A-1-60, the sum of sixty-five thousand dollars (\$65,000), or so
8 much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources
9 for the purpose of providing a grant to local project sponsors for the Black Hills hydrology and
10 water management study as authorized in § 46A-1-13.8. Funds shall be provided according to
11 terms and conditions established by the Board of Water and Natural Resources.

12 Section 4. There is hereby appropriated from the South Dakota water and environment fund
13 established pursuant to § 46A-1-60, the sum of thirty-five thousand dollars (\$35,000), or so
14 much thereof as may be necessary, to the South Dakota Board of Water and Natural Resources
15 for the purpose of providing a loan to the project sponsors to be used to implement the Lake
16 Andes-Wagner/Marty II research demonstration program as authorized by section 14 of chapter
17 254 of the 1992 Session Laws. Funds shall be provided according to terms and conditions
18 established by the Board of Water and Natural Resources.

19 Section 5. There is hereby appropriated from the South Dakota water and environment fund
20 established pursuant to § 46A-1-60, the sum of two million dollars (\$2,000,000), or so much
21 thereof as may be necessary, to the South Dakota Board of Water and Natural Resources for the
22 purpose of providing grants and loans to project sponsors under the consolidated water facilities
23 construction program established pursuant to § 46A-1-63.1. Funds shall be provided according
24 to terms and conditions established by the Board of Water and Natural Resources.

1 Section 6. There is hereby appropriated from the South Dakota water and environment fund
2 established pursuant to § 46A-1-60, the sum of one million two hundred fifty thousand dollars
3 (\$1,250,000), or so much thereof that may be necessary, to the South Dakota Board of Water
4 and Natural Resources for the purpose of providing grants and loans to project sponsors under
5 the solid waste management program established pursuant to § 46A-1-83. Funds shall be
6 provided according to the terms and conditions established by the Board of Water and Natural
7 Resources. The board may use up to twenty-five thousands dollars (\$25,000) of the funds
8 appropriated by this section to contract for services to process and review loan applications as
9 authorized under chapter 46A-1.

10 Section 7. Notwithstanding § 34A-6-85, there is hereby appropriated from the South Dakota
11 water and environment fund established pursuant to § 46A-1-60, from the fees received pursuant
12 to §§ 34A-6-81 to 34A-6-84, inclusive, the sum of one million five hundred thousand dollars
13 (\$1,500,000), or so much thereof that may be necessary, to the South Dakota Board of Water
14 and Natural Resources for the purpose of providing grants and loans to project sponsors for the
15 construction, remediation, enlargement, closure, or upgrade of regional landfills. Funds shall
16 be provided according to the terms and conditions established by the Board of Water and
17 Natural Resources. Notwithstanding § 46A-1-67, the term of years for loans under this section
18 may be extended to the useful life of the facilities being financed. The department may use up
19 to fifty thousand dollars (\$50,000) of the funds appropriated by this section, to contract for the
20 statewide cleanup of waste tires and solid waste. Notwithstanding § 46A-1-61, the department
21 may fund up to one hundred percent of the nonfederal share of statewide waste tires and solid
22 waste cleanup projects.

23 Section 8. There is hereby appropriated from administrative expense surcharge fees
24 deposited in the South Dakota state water pollution control revolving fund program subfund

1 established pursuant to § 46A-1-60.1, the sum of one million five hundred seventy-five
2 thousand dollars (\$1,575,000), or so much thereof as may be necessary, to the South Dakota
3 Board of Water and Natural Resources for the purpose of providing water quality grants under
4 the state water pollution control revolving fund program established pursuant to § 46A-1-60.1.
5 Funds shall be provided according to terms and conditions established by the Board of Water
6 and Natural Resources.

7 Section 9. There is hereby appropriated from administrative expense surcharge fees
8 deposited in the South Dakota state water pollution control revolving fund program subfund
9 established pursuant to § 46A-1-60.1, the sum of one hundred fifty thousand dollars (\$150,000),
10 or so much thereof as may be necessary to the South Dakota Board of Water and Natural
11 Resources for the purpose of contracting for the preparation of applications and administration
12 of clean water state revolving fund loans under the state water pollution control revolving fund
13 program established pursuant to § 46A-1-60.1. Funds shall be provided according to terms and
14 conditions established by the Board of Water and Natural Resources.

15 Section 10. There is hereby appropriated from administrative expense surcharge fees
16 deposited in the South Dakota state drinking water revolving fund program subfund established
17 pursuant to § 46A-1-60.1, the sum one hundred fifty thousand dollars (\$150,000), or so much
18 thereof as may be necessary to the South Dakota Board of Water and Natural Resources for the
19 purpose of contracting for the preparation of applications and administration of drinking water
20 state revolving fund loans under the state drinking water revolving fund program established
21 pursuant to § 46A-1-60.1. Funds shall be provided according to terms and conditions established
22 by the Board of Water and Natural Resources.

23 Section 11. There is hereby appropriated from federal funds deposited in the South Dakota
24 state drinking water revolving fund program subfund established pursuant to § 46A-1-60.1, the

1 sum of one hundred sixty thousand dollars (\$160,000), or so much thereof as may be necessary,
2 to the South Dakota Board of Water and Natural Resources for the purpose of providing small
3 system technical assistance set-aside grants to project sponsors under the state drinking water
4 revolving fund program established pursuant to § 46A-1-60.1. Funds shall be provided
5 according to terms and conditions established by the Board of Water and Natural Resources.

6 Section 12. That § 46A-1-95 be amended to read as follows:

7 46A-1-95. The state clean lakes program, the nonpoint source program, ~~pollution prevention~~
8 water quality monitoring program, and wetlands grant program are established. All federal
9 pass-through grant funds, not to exceed ~~three~~ six million dollars annually, received for use in
10 the programs are hereby continuously appropriated to the secretary of the Department of
11 Environment and Natural Resources. Money received for these programs may be used only for
12 purposes authorized by the federal Clean Water Act as amended to January 1, ~~1996~~ 2009, and
13 shall be provided according to the terms and conditions established by the secretary.

14 Section 13. In accordance with § 46A-1-64, the Legislature hereby authorizes the Board of
15 Water and Natural Resources to provide grant funding from the South Dakota water and
16 environment fund, under the consolidated water facilities construction program established in
17 § 46A-1-63.1, in amounts not to exceed two million dollars (\$2,000,000) to the Mid-Dakota
18 Rural Water System, for the expansion of its water treatment and distribution system. Funds
19 shall be provided according to the terms and conditions established by the Board of Water and
20 Natural Resources.

21 Section 14. Whereas, this Act is necessary for the support of the state government and its
22 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
23 full force and effect from and after its passage and approval.